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12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 SHANNON IRELAND-GORDY and
16 STEPHANIE IRELAND GORDY,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 TILE, INC., LIFE360, INC., and
21 AMAZON.COM, INC.,

22 Defendants.

Case No. 3:23-CV-04119-RFL

**STIPULATION AND ~~PROPOSED~~
ORDER AS MODIFIED SETTING
BRIEFING SCHEDULE AND
CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

Date Action Filed: 08/14/2023

STIPULATION

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Shannon Ireland-Gordy and Stephanie Ireland Gordy (“Plaintiffs”) and Defendants Tile, Inc. (“Tile”), Life360, Inc. (“Life360”), and Amazon.com, Inc. (“Amazon”) (collectively, “the Parties”), by and through their respective counsel, hereby agree and stipulate that good cause exists to request an order from the Court setting Plaintiffs’ deadline to amend their complaint, setting a briefing schedule for Defendants’ anticipated motions in response, and continuing the Initial Case Management Conference, as set out below.

WHEREAS, on August 14, 2023, Plaintiffs filed a putative class action lawsuit against Life360, Tile, and Amazon (ECF No. 1, the “Complaint”);

WHEREAS, the Parties previously stipulated and the Court ordered that Defendants’ deadline to respond to the Complaint be vacated to allow the Parties to attempt early, private mediation (ECF 26);

WHEREAS, the Parties previously stipulated and the Court ordered that if mediation was unsuccessful, the Parties would submit an agreed-upon schedule for the case, if such agreement could be reached (ECF No. 26);

WHEREAS, per the Parties’ stipulation, the Court continued the Initial CMC to March 13, 2024 (ECF No. 26);

WHEREAS, the Parties participated in private mediation on January 25, 2024 but did not reach a mutually-agreeable resolution of Plaintiffs’ claims and therefore submit this jointly proposed schedule;

WHEREAS, Plaintiffs plan to amend their Complaint (the “Amended Complaint”);

WHEREAS, in a case involving similar claims brought by counsel for Plaintiffs, *Hughes et. al., v. Apple, Inc.*, 3:22-cv-07668-VC (“*Hughes*”), the defendant has filed a motion to dismiss, which was briefed and heard, and is awaiting decision by a different department of this Court (the “*Hughes* Order”);

WHEREAS, Plaintiffs believe there is significant efficiency to be gained by waiting for the *Hughes* Order before amending their Complaint in this action, so that such amendment can reflect

1 the guidance provided in that order;

2 WHEREAS, the Parties agree that the deadline for Plaintiffs to amend their Complaint
3 should therefore be set to follow the issuance of the *Hughes* Order; and

4 WHEREAS, the Parties also agree that it will save substantial Party and Court resources to,
5 thereafter, resolve any motion to compel arbitration that Defendants may file (a “Motion to Compel
6 Arbitration”) based on the Amended Complaint before briefing any motions to dismiss on other
7 grounds, given that a Motion to Compel Arbitration may obviate the need for such other motions
8 to dismiss, if granted.

9 NOW THEREFORE, the Parties, by and through their respective undersigned counsel,
10 hereby stipulate and agree that:

11 1. Plaintiffs’ deadline to amend their Complaint is six weeks from the date of the
12 *Hughes* Order.

13 2. Defendants’ deadline to respond to the Amended Complaint, whether by filing a
14 Motion to Compel Arbitration, filing a motion to dismiss, or otherwise, whatever Defendants elect
15 (the “Initial Motion”), is six weeks from the date of the Amended Complaint.

16 3. Plaintiffs’ deadline to file any opposition to the Initial Motion (the “Opposition”) is
17 four weeks from the date the Initial Motion is due.

18 4. Defendants’ deadline to file any reply to the Opposition is three weeks from date
19 the Opposition is due.

20 5. The Parties will confer and follow the Court’s procedure for noticing a hearing date
21 for the Initial Motion.

22 6. If the Defendants’ Initial Motion is a Motion to Compel Arbitration, then the
23 Defendants will not concurrently be required to file a motion to dismiss the Amended Complaint
24 on other bases. In this event, the Defendants’ deadline to respond to the Amended Complaint,
25 including to move to dismiss on any basis other than arbitrability, such as under Rule 12(b), will
26 be four weeks after any order denying (or granting only in part) the Motion to Compel Arbitration
27 in a manner that allows the action to move forward in this Court.

28 7. The Initial CMC is hereby continued and will be reset to coincide with the hearing

on the Initial Motion or at another date convenient for the Court (the “Continued Initial CMC”).

8. The Parties’ various, interim deadlines that are dependent on the date of the Initial Case Management Conference (*e.g.*, deadlines to file a joint CMC statement, exchange initial disclosures, etc.) shall be reset based on the date of the Continued Initial CMC.

IT IS SO STIPULATED.

Dated: February 27, 2024

COOLEY LLP

By: /s/ Jeffrey M. Gutkin
Jeffrey M. Gutkin

Attorneys for Defendants
Tile, Inc. and Life360, Inc.

Dated: February 27, 2024

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By: /s/ Gillian L. Wade

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1 Dated: February 27, 2024

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13 Inc.

14 * * *

15 **ATTESTATION**

16 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I, Jeffrey M. Gutkin, hereby
17 attest that concurrence in the filing of this document has been obtained.

18 Dated: February 27, 2024

/s/ Jeffrey M. Gutkin
Jeffrey M. Gutkin

19 * * *

20 **~~PROPOSED~~ ORDER AS MODIFIED**

21 The initial Case Management Conference set for March 13, 2024 is vacated.

22 The parties shall file a joint status report by April 15, 2024 regarding whether the *Hughes*
23 order has issued.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: February 29, 2024

26 
27 HON. RITA F. LIN
28 UNITED STATES DISTRICT JUDGE